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5 Attorneys for Defendants
Nth Connect Telecom, Inc. and Steven Chen

UNITED STATES DISTRICT COURT
CALIFORNIA NORTHERN DISTRICT (SAN JOSE)

11 VIADIMIR A. BALAREZO, individually and) Case No. C 07 05243 JF (PVT)
12 on behalf of others similarly situated)
13 Plaintiff,) DECLARATION OF STEVEN CHEN IN
14 vs.) SUPPORT OF DEFENDANTS' SUR-REPLY
15 NTH CONNECT TELECOM INC., and) TO PLAINTIFFS' MOTION TO COMPEL
16 STEVEN CHEN,) PRODUCTION OF DOCUMENTS
Defendants.) Date: July 1, 2008
Time: 10:00 a.m.
Courtroom: Courtroom 5, 4th Floor
Judge: Hon. Patricia V. Trumbull

DECLARATION OF STEVEN CHEN

20 I, Steven Chen, declare under penalty of perjury the foregoing is true and correct.

21 1. I am the C.E.O. of defendant Nth Connect Telecom Inc. This declaration is based on
22 personal knowledge.

23 2. I make this declaration in support of defendants Nth Connect Telecom, Inc. and
24 Steven Chen's Opposition to Plaintiffs' Motion to Compel Production of Documents.

25 3. Before April 2006, all technicians were paid via 1099s and we did not keep time cards
26 for them. While we have the 1099s for the period prior to April 2006, they are not easily nor readily
27 accessible, as our filing system at the time the company started up was different and the employees
28 who maintained those files are no longer with the company. I will personally have to manually look

1 through hundreds of boxes in our file storage area to find the ones that contain the 1099s. At this
2 time, I cannot place a firm estimate on how much time this will take, but I expect it will be very time
3 consuming.

4 4. Plaintiff seeks copies of all Comcast work orders for the past four years. The amount
5 of documents at issue is in the range of 150 bankers' boxes. The work orders contain personal
6 information, such as names, account numbers, addresses, phone numbers and amounts paid, of
7 customers of Comcast who have not been provided any kind of notice that such information is being
8 sought. If the Court ordered production of the work orders, without redaction, Nth Connect would
9 be in violation of its contract with Comcast, which requires Nth Connect to keep information
10 pertaining to Comcast customers confidential. It would also be in violation of State and Federal law
11 which requires companies to keep its customers' information private. A true and correct copy of the
12 pages from Nth Connect's contract with Comcast that pertain to the confidentiality provisions are
13 attached hereto as Exhibit "A."

14 5. If the Court allows the discovery of the work orders, with redaction, it would be
15 extremely financially burdensome to respond to -- Nth Connect would literally have to hire people
16 to review and redact the documents, because the task would overwhelm its current office staff.

17 I declare under penalty of perjury under the laws of the State of California and the Federal
18 Government that the foregoing is true and correct.

19 Dated: June 25, 2008

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Steven Chen

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